

Fall 1992

1992 Cardozo Life (Fall)

Benjamin N. Cardozo School of Law

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Cardozo LIFE

Fall

News from Benjamin N. Cardozo School of Law/Yeshiva University

1992

In Memoriam

With "deep regret," **Dean Frank Macchiarola** announced "the passing of one of our wonderful colleagues, **Professor John Appel.**"

Professor Appel, who died last month, taught at Cardozo since 1983, serving as associate dean for placement from 1983-84. After a 19-year career with CBS, Inc. (the last 12 as deputy general counsel of CBS's law department, he served as special counsel to the New York City Office of Telecommunications and vice president and general counsel of Western Union Corporation. He earned his J.D. from the University of Michigan Law School.

Professor Appel's life was rich and varied. He was a member of the board of directors of the New York Consort of Viols, which performs Renaissance and Baroque music. He also played viola da gamba.

"John was essential to my journey from Supreme Court Justice to Surrogate," says his friend and



colleague, Surrogate Eve Preminger. "He shared with me the treasure of his years of learning, and musing, about the philosophy and rules of property law.

"John chaired a committee which established impartial, objective, and visible standards for the selection of court fiduciaries and the provision of *pro bono* legal services. John's plan, in operation for more than a year now, has significantly enhanced the productivity and reputation of the Surrogate's Court.

"I know of no one who could make the discussion of legal issues as interesting, enjoyable, and rewarding as could John Appel. His clarity and his awareness of the limits of legal thought made him neither cynical nor diminished his interest — and his ability to interest others — in the possibilities of the law," said Judge Preminger.

"One of the early pleasures of my deanship," says Cardozo's

(Continued on page 2)

Bet Tzedek Suit Halts Medicaid Co-Payment Plan

Cardozo Bet Tzedek Legal Services has once again had a substantial impact as advocate for the elderly. In a suit brought with Legal Services for the Elderly, Cardozo has obtained an order blocking the first phase of a \$550 million reduction in New York State's Medicaid budget. Judge Charles P. Sifton of the Federal District Court in Brooklyn issued a

restraining order which delays a provision of the new state budget that would have required Medicaid patients to pay at least part of their bills as of June 1st.

The co-payments would have been \$2 for each brand-name prescription, \$3 for each clinic visit, and \$3 for each visit by a homecare nurse. According to a

story in the *New York Times*, one patient explains how the co-payments quickly add up. A 32-year-old quadriplegic with a \$528 monthly disability income figured his co-payments would be "\$147 each month, including \$90 just for my home health aide. A few dollars each visit isn't a lot," he said, "unless you don't have it."

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Faculty News

Professor Malvina Halberstam participated in the International Conference on Judicial Systems and Civil and Criminal Procedures, held in Riga, Latvia. Organized by Cardozo **Professor Peter Tillers**, the conference included lectures by professors from law schools in the U.S., England, Germany, and the Netherlands. The conference was attended by professors, judges, lawyers, and members of Parliament from Latvia. Professor Halberstam spoke on "Balancing the Rights of the Accused and the Needs of Society in the Administration of Criminal Justice: The Fourth and Fifth Amendments to the U.S. Constitution."

Professor Halberstam served as an instructor at the National Security Institute, organized by the Center for National Security Law of the University of Virginia School of Law. She taught the class on Legal Responses to International Terrorism.

Professor Michel Rosenfeld participated in a colloquium on "The U.S. Supreme Court" with Justice Sandra Day O'Connor, held at the National Assembly in Paris.

Professor Rosenfeld's presentation (in French) was entitled "Political Questions Under the U.S. Constitution." The colloquium was co-organized by the U.S. Embassy in France.

Professor Rosenfeld also presented "Deconstruction of Law and the Possibility of Democracy" at a colloquium in Montpellier, France, with Jacques Robert, a judge on the French Constitutional Council (the equivalent of the U.S. Supreme Court.)

Poethics, **Professor Richard Weisberg's** latest book, received a number of favorable reviews including *The New York Times*, *New York Bar Journal*, and *New York Law Journal*. Professor Weisberg is a visiting fellow this fall in the department of comparative literature at Yale.

Girls Lean Back Everywhere: The Law of Obscenity and the Assault on Genius, by **Professor Edward de Grazia**, has engendered national dialogue on the subject of obscenity. The work has been widely reviewed, including in *The New York Times Book Review*, *The Nation*, and *California Lawyer*.

loved, by the specious, the temporary, or things he did not value. He was a lucky man: he knew what he wanted to do, made the choices necessary to do them, and modestly and forcefully stuck to his objectives. He had a commitment to excellence and an ethical framework that was bulletproof."

"He will leave a large space in my life, professionally and personally," said Judge Preminger. He leaves a large space in all our lives.

A Memorial service for John Appel will be held at Cardozo in the fall.

In Memoriam

(Continued from page 1)

former dean, **Monroe E. Price**, "was meeting and becoming friends with John Appel. He had already had a long, intensive and productive career, always combining brilliant insight with a tough, pretty uncompromising ethical stance. Little did I know what a great teacher John would be, and how much a decade of law students would gain from the experience of being taught by him. John loved teaching. He did not want to be diverted from it, or other things he

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On the Cover: Dean Frank Macchiarola welcomes the Class of 1995.

Welcome New Faculty Members

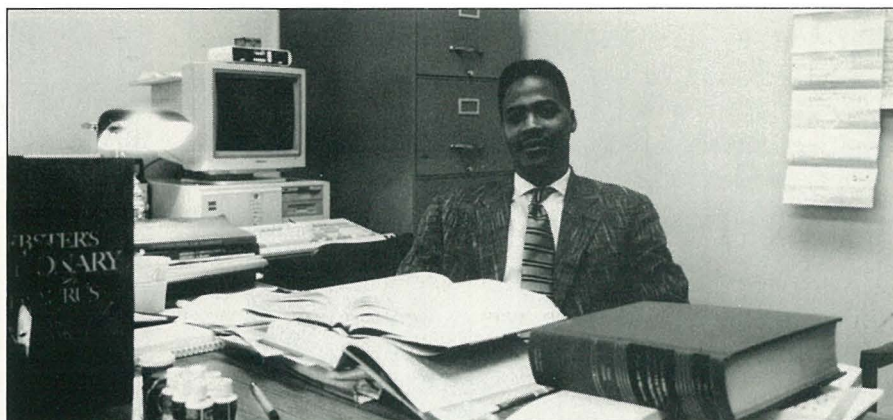
Lawrence A. Cunningham, associate professor of law, is the first full-time member of our faculty who is an alumnus of Cardozo. He earned his J.D. here in 1988. He was an Alexander and a Belkin Fellow, and was administrative editor of *The Cardozo Law Review*. He held a full-time clerkship with U.S. District Judge Maryanne Trump Barry and comes to us from Cravath, Swaine & Moore.

Laura E. Cunningham, associate professor of law, joined the Cardozo faculty in January 1992 after teaching for three years as an acting assistant professor in New York University's Graduate Tax Program. She has taught courses covering many aspects of the Federal Income Tax, and her current research has focused on the taxation of partnerships.

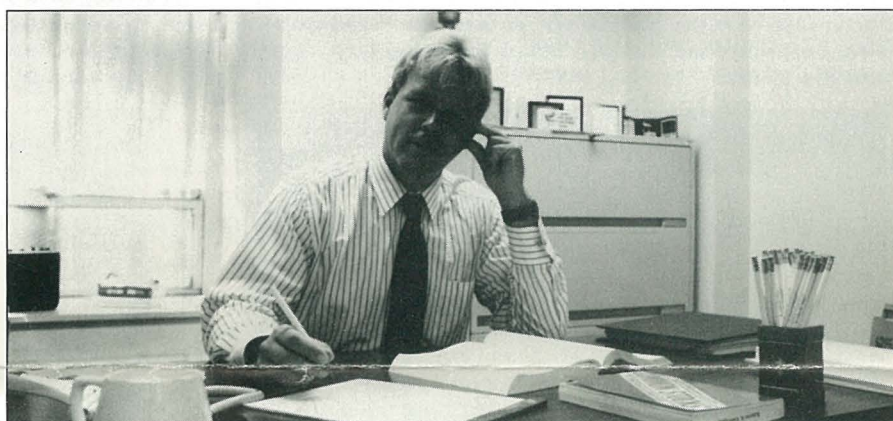
Elbert N. Gates, assistant professor of law, comes to us from Cleary, Gottlieb, Steen & Hamilton, where he specialized in international finance and corporate finance, including bankruptcy, bank and thrift regulation, and products liability. He served as legal intern in Tokyo to Nagashima & Ohno and then moved to Milbank, Tweed, Hadley & McCloy's Tokyo office.

We also welcome two new visiting professors of law:

Gabriel Motzkin is a senior lecturer in history, philosophy, and German literature at the Hebrew University of Jerusalem. His specialties include religion in the modern world, the philosophy of history, and modern existentialist thought. He has also served as press liaison officer for the Israel Defense Forces. He will be teaching courses relating to the Middle East peace process and to religion in the modern state.



New Cardozo professors Elbert Gates, shown above and Lawrence Cunningham (CSL '88) below.



Fernando R. Tesón, an associate professor of law at Arizona State University, is a specialist in international law, jurisprudence, comparative constitutional law, and international human rights. He is the author of *Humanitarian Intervention: An Inquiry into Law and Morality* and is currently writing *The Philosophy of International Law*, expected to be published in early 1993.

Also new this fall . . .

Corporate Lawyering

This new course will focus on the nature and substantive aspects of the practice of law in a corporation or other business setting: the unique role of in-house counsel; the ethical considerations and professional responsibilities of the employee/attorney; the multi-

faceted functions and responsibilities of in-house lawyering including fostering the corporate conscience, educating the organization, implementing corporate governance procedures, interfacing with business operations, participating in governmental/public affairs and legislative activities, and selecting, utilizing, and supervising outside counsel. The course will feature the participation of leading corporate executives and outside practitioners.

Prosecution of Complex White-Collar Criminal Cases

The course will address the evolution of a criminal prosecution of a complex white-collar case from complaint through investigation, grand jury presentation, discovery proceedings, and trial.

Gorbachev Dinner and A Gathering of Friends



Pictured here at the "Gorbachev" dinner with President and Mrs. Gorbachev are Cardozo Board Chairman Jacob Burns and Mrs. Burns.



Cardozo Board member Harry Bauer, Mrs. Bauer, and Cardozo Board Vice Chairman Earle Mack (right), who was instrumental in arranging the Gorbachev event.



Here with the Gorbachevs are Mr. and Mrs. Sheldon Solow.



Philip Chapman, Phyllis Young, Bruce Young, and Richard Katcher at Friends of Cardozo event held at Time Warner.



Martin Payson, the host of the Friends gathering at Time Warner which was highlighted with a movie premiere, greets Friends of Cardozo chairperson Vera Chapman.



Cardozo Board Secretary Blanche Etra (left) is shown here with Blanche Shapiro, Romie Shapiro (also a Cardozo Board member and long-time supporter of our international programs) and Dean Macchiarola.

Upcoming This Fall

Federalism for the New Europe

The *New Europe Law Review* (NELR) journal will sponsor a symposium entitled "Federalism for the New Europe" on Thursday September 10th and Friday, September 11th. Facing the challenges of the shaping of a new world order, this symposium examines federalism as a legal, political, and economic model of the future. Participants will analyze federalism from the experiences of different countries and relate those examples to the evolving situation in Eastern and Central Europe.

Thursday's panels include "The Federal Model of the United States," "The Federal Model of the European Communities," and "The Federal Model of Canada." On Friday, the symposium will address "The Confederate Model of the Commonwealth of Independent States" and "Federalism in Eastern and Central Europe."

Participants include law, economics, and political science professors from the U.S., Switzerland, Russia, Germany, Belgium, and Canada, as well as the honorary president of the Union of Federalists in Belgium and the director of the Institute for World Economics of the Hungarian Academy of Sciences.

For information, call Walda Decreus, executive editor of the *New Europe Law Review* at 790-0264.

Habermas Colloquium

Cardozo's **Jacob Burns Institute for Advanced Legal Studies**, in cooperation with The Friedrich Ebert Foundation and Goethe House New York, will sponsor a colloquy with Jurgen Habermas on Sunday, September 20th at 7:00 p.m. Habermas, a professor of philosophy at the University of Frankfurt in Germany, is considered

the leading representative today of the Frankfurt School tradition of social thought. He will speak on "Paradigms of Law" and will be introduced by Alan Wolfe, dean of the Graduate Faculty of the New School for Social Research. The address will be followed by commentary by Professor Andrew Arato of the New School and **Cardozo Professor Michel Rosenfeld**. Seating is limited, pre-registration is required. Call Lisa Fishbone at (212) 790-0355.

United States Attorney General to Speak

William P. Barr, attorney general of the U.S., will present the keynote address at a conference, "Executive Branch Interpretation of the Law," on November 15th.

The day-long conference, sponsored by **Cardozo's Jacob Burns Institute for Advanced Legal Studies** and the *Cardozo Law Review* will feature three panel presentations, followed by Attorney General Barr's address in the evening.

The morning panel, "The Autonomy of Executive Branch Interpretation," will feature papers presented by Thomas W. Merrill of Northwestern University School of Law; Michael S. Paulsen of the University of Minnesota Law School; and David A. Strauss of the University of Chicago Law School. Commentary will be offered by Andrew G. McBride of the Office of the

United States Attorney, Eastern District of Virginia, and **Cardozo Professor Michel Rosenfeld**.

Panel II, "The Unitariness of Executive Branch Interpretation," will feature papers by Neal E. Devins of the College of William and Mary Marshall-Wythe School of Law; Geoffrey P. Miller of the University of Chicago Law School; and **Cardozo Professor Michael E. Herz**. Commentary will be offered by U.S. Court of Appeals Judge Frank H. Easterbrook and Michael A. Fitts of the University of Pennsylvania Law School.

Panel III, "The Role of the Office of Legal Counsel and the Attorney General's Opinion Writing Function in Executive Branch Interpretation," will feature papers by Douglas W. Kmiec of Notre Dame Law School and **Cardozo Professor John O. McGinnis**. Commentary will be offered by U.S. Court of Appeals Judge Samuel A. Alito, Jr.; Harold H. Koh of Yale Law School; and Nelson Lund of George Mason University School of Law.

Registration fee, including lunch and evening reception, is \$75 (\$30 for students, no charge for Cardozo students.) For information, call David Buchanan at the *Cardozo Law Review*, (212) 790-0355.

"Family Values" is Focus of Women's Law Journal Panel

Cardozo's *Women's Law Journal* (formerly *WALB*) will sponsor a panel discussion on "family values" in late October, chaired by **Professor Marty Slaughter**. For information, contact the *Women's Law Journal* at (212) 790-0239.

Corporate Conscience, Corporate Conflicts

The Samuel and Ronnie Heyman Center on Corporate Governance will host "Corporate Conscience, Corporate Conflicts" on November 19th.

Correction

A computer-generated listing of Yeshiva University's Board of Trustees in Cardozo's 1992-93 catalogue inadvertently omitted the name of Dr. Ira Kukin as vice chairman. The Law School regrets the error.

Class Reunions

Approximately 50 graduates of the Class of 1987 attended their reunion held at Cardozo on Thursday, June 18th. The reunion was followed by a cocktail party held for the entire alumni body.

The class of 1982 held its 10th reunion on June 4th at "La Belle Epoque." Eighty three classmates and spouses attended, as did eight faculty members, **Dean Frank Macchiarola**, and **Associate Deans Ellen Cherrick** and **Stephen Bogart**. A great time was had by all! The class presented a gift of \$500 to the Bet Tzedek Clinic in connection with the reunion.

Cardozo Students Chosen to Clerk

Cardozo students **Edward H. Liao** and **Allison Brown** were two of only seven students who were chosen to participate this summer in the New York County Lawyer's Association's minority clerkship program, through which they spend eight weeks as law clerks to State Supreme Court justices in New York County.

In the Cardozo Gallery Mid-September

through

October

Latino Student Show

—
November
Sculptors

—
January
BALLSA Show

Cardozo's Summer Summer Institute

More than 100 students enrolled in Cardozo's Summer Institute for Placement and Career Development. Summer seminars included: Bankruptcy Practice, Civil and Criminal Litigation, Entertainment Law, Environmental Litigation, International Trade Law, Judicial Process and Ethics, and a new seminar in Urban Law and Government. Students were placed in law firms, corporations, government offices, and with judges.

Summer Stipend and Grant Programs

With funding from Cardozo and from external resources, we were able to provide support to more than 30 students working during this summer:

Ford Foundation: Cardozo awarded ten Ford Foundation Fellowships in International Law this summer. Internships abroad included the UN High Commissioner for Refugees in Geneva, Helsinki Watch in Germany, the Lawyer's Collective in Bombay, The Committee for Democracy after Communism in Budapest, the Taiwan Association for Human Rights in

Taipei, and the Italian Society for International Organization in Rome. Students were placed in New York with the United Nations Secretariat, The Commonwealth of Independent States — American Chamber of Commerce, and Amnesty International.

Bauer Grant Program: Through the **Uri** (CSL '86) and **Caroline Bauer Israel Grant Program**, two students received funding to work in Israel this summer — one in a Tel Aviv law firm and one at the Ministry of Justice and Law.

Public Interest/Work Study Program: Fifteen students received Cardozo Public Interest Stipends. Among the firms and agencies where students were placed were the Environmental Protection Agency, Victims Service Agency, Legal Aid Society, the Manhattan Borough President's Office, the U.S. Attorney's Office, Lansner & Kubitschek, and the Libel Defense Resource Center. Six students received Work Study Grants. They interned at the Bronx District Attorney's Office, the New York State Department of Law (the Attorney General's Office), the U.S. Attorney's Office, and the Suffolk County District Attorney's Office.

Cousins Honor "Uncle Yuddy"

Sharon Weintraub Dashow (CSL '81) and **Mary S. Zitwer** (CSL '81) have established The Eugene Zitwer Foundation, also known as "The Uncle Yuddy Fund", a charitable foundation established for humanitarian purposes in loving memory of Mary's father, Eugene Zitwer. The Foundation furnishes toys and other gifts, and sponsors parties and entertainment, for child-

ren in New York City and Long Island hospitals, and hopes to assist in the payment of life-saving operations for children. The Foundation was established, according to Sharon, to "perpetuate the love and laughter that Uncle Yuddy so generously gave during his lifetime." You can reach the Foundation at (718) 522-3550.

Alumni News

Class of 1979

Bobbi C. Sternheim has been named president of the Women's Bar Association. **Joanne Irene Gabrynowicz**, an associate professor of space studies at the University of North Dakota, was featured on the front page of the *Chronicle of Higher Education* in an article on the Democratic National Convention. A first-time delegate to the Convention, she successfully fought to have the platform affirm support for the civilian space program and its use for environmental research. **Paul Labiner** has been elected president of the Tax and Estate Planning Council of Rockland County, New York. **Wayne Halper** has been named vice president of business affairs of Liberty Records in Nashville.

Class of 1980

Beverly Folsadade Sowande announces the opening of her offices at 230 Park Avenue in NYC. She is in general practice.

Class of 1981

Wendy Landes has been elected as Mamaroneck Village Justice.

Class of 1983

Meir (Alfred) Fuchs has opened his own firm in Tel Aviv, Israel, specializing in international transactions, corporate law, litigation, and real estate. **Gary Mazart** has been elected secretary of the Northern New Jersey Chapter of the Alzheimer's Association in Parsippany, New Jersey. He is a partner with the law firm of Hannotch Weisman, in Roseland, New Jersey, and devotes much of his practice to elder law planning.

Class of 1984

Micky Morgenstern has been elected president of the Brooklyn Women's Bar Association.

Class of 1985

Susan J. Cohen has been named Outstanding Attorney of the Year by the Political Asylum/Immigration Representation Project (PAIR). Susan, of Mintz, Levin, Cohn, Ferris, Glovsky and Popeo (Boston) was honored for her pro bono work on behalf of immigrants seeking polit-

ical asylum. In two celebrated cases, she was able to secure asylum for immigrants from the Soviet Union and from Somalia. She chairs the L-Visa Committee of the American Immigration Lawyers Association.

Class of 1987

Michael Alan Schloss, a trial attorney in the U.S. Department of Labor's Plan Benefits Security Division, has relocated with his wife and two children from Los Angeles to Silver Springs, Maryland.

Class of 1989

Gayle (Sobelman) S. Millison was married last year to Theodore Millison, also an attorney. They live in Tampa, Florida where they practice law in the areas of bankruptcy and commercial litigation. **Lauren Sacks** is specializing in child abuse and neglect proceedings on behalf of the New York City Human Resources Administration.

Class of 1992

Lila Perelson is engaged to be married to Keith Adwar.

What's News?

NAME	GRADUATION YEAR
ADDRESS	
CURRENT FIRM POSITION/ENDEAVOR	
WHAT'S NEWS? (attach longer items to this form)	
I would like to participate in: <input type="checkbox"/> Mentor Program <input type="checkbox"/> Mock Interviews <input type="checkbox"/> Speakers Bureau <input type="checkbox"/> Moot Court <input type="checkbox"/> Ambassador Program <input type="checkbox"/> Annual Fund	
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